

**ZIMBABWE EZEKIEL GUTI UNIVERSITY
(ZEGU)**

LL.B (HONS) PART 2.1

CONSTITUTIONAL LAW

LLB 204

FINAL EXAMINATION – NOV 2017

**YOU MAY HAVE THE CONSTITUTION OF ZIMBABWE (AMENDMENT NO. 20)
ACT, THE 'LANCASTER HOUSE' CONSTITUTION AND THE ELECTORAL ACT
AS WELL AS ITS AMENDMENTS AND REGULATIONS**

3 HOURS

SECTION A

ANSWER THE QUESTIONS IN THIS SECTION

Question 1

President Robert Mugabe was sworn in as President on the 22nd of August 2013.

Discuss the timelines for the next elections as prescribed in the Constitution. In your discussion, clearly show if he is required to confer with anyone regarding such a date. (25)

SECTION B

ANSWER ANY 3 QUESTIONS IN THIS SECTION

Question 2

The appointment of Mr Ray Hamilton Goba to the post of Prosecutor General of the Republic of Zimbabwe has been marred in controversy. His appointment might have been unconstitutional. His removal too raises its own challenges.

Discuss

(25)

Question 3

A couple, Mr Farai Jimu (68 on 3 May 2017) and Mrs Lateefah Jimu (58 on 1 January 2017) were sentenced to die by hanging after being found guilty of murder committed on 29 February 2008. The sentence was delivered at the conclusion of the Trial on the 2nd of June 2011. They appealed to the Supreme Court which upheld both the conviction and sentence. To date, they remain on the death row.

They have now been joined on the death row by Exodus Kubuda (24 on the 11th of November 2017 who was also convicted of armed robbery and murder and was sentenced to death on the 14th of July 2014. He had committed the offence on Christmas Eve in 2011.

The three have approached you seeking advice of what else they may do to avoid the hangman's noose.

Draft a legal opinion for them.

(25)

Question 4

Johnson Chipanera is a politician in the Republic of Guta. He is convicted by Parliament and sent to prison for one year following an ugly incident in the National Assembly.

While he was in prison, the President proclaimed the date of the next general election as well as the date that the Nomination Court would sit to receive nominations for the election. Chipanera's agent approaches the Nomination Court with the intention to file nomination papers for Chipanera. The presiding officer refuses to accept the papers on the basis that he cannot accept papers for someone in prison.

Chipanera instructs his agent to approach the court. The Electoral Court is approached and finds against the Presiding Officer and in the process orders the re-sitting of the Constitutional Court and to accept the papers for Chipanera.

The President of the Republic of Guta describes the decision as 'stupid'. The judge who heard the matter feels intimidated and reverses his decision.

It has since become apparent that the President of Guta is in this habit of intimidating members of the judiciary.

The Republic of Guta has a Constitution which is exactly like the Zimbabwean Constitution.

Discuss the Constitutional Provisions (if any) which can protect the judiciary from such intimidation and seeming influence.

(25)

Question 5

“According to the Constitution, the President is not supposed to open Parliament but there was a resolution by this Parliament that the President must come and officially open Parliament. We were glad that the President was pleased to come and officially open Parliament and set out the legislative agenda. It is my very humble submission that in the interest of separation of powers, Parliament must be officially opened by the Speaker who is the Chairperson of the Presiding officers,” Honourable James Maridadi (MP) contributing to a debate on the President’s address while opening Parliament recently.

Discuss this proposition.

(25)

Question 6

“The Bill of Rights in Zimbabwe’s Constitution has adequate scope for the protection of fundamental human rights. Through the application of modern cannons of constitutional interpretation, the Courts have succeeded in demonstrating this wide scope.”

Do you agree? Illustrate your answer by referring to any two fundamental human rights protected by the Bill of Rights.

(25)